

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Ruben Joseph CASTILLO

Case No.

19mj 4504

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2019, through November 2019 in the county of Grant in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Title 18 U.S.C. § 2422(b) Online
Enticement

Offense Description

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be punished.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Mark Vallone, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/19/2019


Judge's signature

City and state: Las Cruces, New Mexico

United States Magistrate Judge

Printed name and title

Affidavit

1. I, Mark Vallone, your Affiant, am a Special Agent with Homeland Security Investigations (HSI) and have been so employed since May of 2018. As a Special Agent (SA) with HSI, I am authorized to investigate crimes involving violations of federal law, including Online Enticement, in violation of 18 U.S.C. § 2422(b). I am a graduate of the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. During this training I completed courses that cover most criminal investigator functions. As part of the curriculum I learned investigative techniques used in order to enforce various federal laws. I am currently a member of the Internet Crimes Against Children (ICAC) Task Force. As a member of the ICAC task force, I have attended a 36-hour training regarding ICAC investigative techniques and received a certificate of completion. As a member of the ICAC task force I voluntarily receive cyber tips of child pornography and have assisted with numerous child exploitation investigations. Prior to being employed as a Special Agent with Homeland Security Investigations I was employed as a U.S. Customs and Border Protection Officer from December 2011 to May 2018. I performed a wide range of customs enforcement duties, such as controlled substance seizures, intellectual property rights violations, and immigration violations. In September 2017 I became a Concealed Human/Narcotics Detector Canine handler after completing certification training at the Canine Center in El Paso, Texas.
2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing a criminal complaint, your affiant has not included each and every fact known to me concerning this investigation. Your affiant has

set forth only those facts that your affiant believes are necessary to establish that probable cause to support a criminal complaint against Ruben Joseph CASTILLO, for Online Enticement, in violation of 18 U.S.C. § 2422(b).

Relevant Statutes

3. 18 U.S.C. § 2422(b), provides, in relevant part, whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution shall be punished in accordance with the penalties listed under the statute.

Details of the Investigation

4. On October 25, 2019, VICTIM 1, a fifteen-year-old female, disclosed that she engaged in sexual acts for money with an adult male. VICTIM 1 stated she believed the adult male's name was Ruben CASTILLO and he knew VICTIM 1 was fifteen (15) years old. VICTIM 1 stated she engaged in oral sexual contact with CASTILLO and he touched her vaginal area with his hand. VICTIM 1 stated she and her two (2) friends, VICTIM 2 (a fourteen-year-old female) and VICTIM 3 (a thirteen-year-old female) all engaged in sexual acts with CASTILLO. VICTIM 1 stated these acts took place in CASTILLO's vehicle and in various hotels. VICTIM 1 stated she communicated with CASTILLO via the social media platform Instagram.
5. On November 6, 2019, VICTIM 1 was interviewed by Affiant. VICTIM 1 stated VICTIM 2 showed her an Instagram chat with CASTILLO in which he requested VICTIM 2 "suck his dick" in exchange for approximately \$70. VICTIM 1 stated CASTILLO requested pictures of VICTIM 1 masturbating and CASTILLO sent her an image of him lying down on a bed wearing a blue shirt with his penis exposed. VICTIM

1 stated CASTILLO took pictures on his cellphone of VICTIM 1 engaging in oral sex with CASTILLO.

6. VICTIM 1 was presented with a six-image sequential photo array by Affiant with Detective Click of the Silver City Police Department as a witness. VICTIM 1 immediately identified the individual in image number four as who she knew as Ruben CASTILLO. The individual in image number four was, in fact, Ruben CASTILLO.
7. On October 29, 2019, a forensic interview of VICTIM 2 was conducted. VICTIM 2 stated sometime in 2018 she received a message from Ruben CASTILLO on her Instagram account. VICTIM 2 stated CASTILLO sent her a picture of a young guy and CASTILLO told her it was him and that he was fifteen years old. VICTIM 2 stated she later found out CASTILLO had lied to her about his age. VICTIM 2 stated initially CASTILLO told her he was fifteen years old, then nineteen years old, then thirty years old. VICTIM 2 stated CASTILLO admitted to her that he was older than he initially told VICTIM 2. CASTILLO is actually forty-eight years old.
8. VICTIM 2 stated in May of 2019, she met with CASTILLO at a park across from Market Street in Silver City. VICTIM 2 stated she got in CASTILLO's car and gave him "head." VICTIM 2 described "head" as placing her mouth around CASTILLO's "dick." VICTIM 2 stated CASTILLO paid her \$40 for the oral sex. VICTIM 2 stated while she was performing oral sex on CASTILLO, he asked her how much money he could pay VICTIM 2 to have sex with her.
9. VICTIM 2 stated that on May 26, 2019, CASTILLO brought her to a hotel in Silver City, and had vaginal sex with CASTILLO at that hotel room. VICTIM 2 stated during sex with CASTILLO she told him it hurt, and she wanted him to stop, however CASTILLO

slapped her inner thigh and continued to have sex with VICTIM 2. VICTIM 2 stated after sex with CASTILLO he stopped at a bank and paid VICTIM 2 \$60. VICTIM 2 stated the next day she met with CASTILLO and he paid her \$250.

10. VICTIM 2 was presented with a six-image sequential photo array by the forensic interviewer at the direction of SA Mark Vallone. VICTIM 2 immediately identified the individual in image number two as who she knew as Ruben CASTILLO. The individual in image number two was, in fact, Ruben CASTILLO.
11. On December 19, 2019, law enforcement executed a search warrant at CASTILLO's residence. At the time, CASTILLO was home. Agents read CASTILLO his Miranda rights and CASTILLO agreed to waive those rights and speak to law enforcement. During the interview, inter alia, CASTILLO admitted that he used various Instagram accounts to contact the victims referenced above. CASTILLO admitted that he knew the victims were minors. CASTILLO admitted that he paid the minors money in exchange for sexual favors, such as receiving oral sex. CASTILLO also admitted that he took pictures and/or videos of some of the sexual contact with minors. CASTILLO was placed under arrest following his interview.
12. I know from my training and experience that in order to access Instagram, the user needs to be connected to the internet either through a wireless connection or data connection through a cellular phone service provider. I also know from my training and experience that the internet is an instrumentality of interstate commerce.

Conclusion

13. Based on all of the above information, your affiant submits there is probable cause to believe that Ruben Joseph CASTILLO committed Enticement of a Minor, in violation of 18 U.S.C. § 2422(b).

Prosecution of Ruben Joseph CASTILLO was approved by Assistant United States Attorney Marisa A. Ong.



Mark Vallone
Special Agent
Homeland Security Investigations

Subscribed and sworn before me this 19 day of December 2019.



Honorable Kevin R. Sweazea
United States Magistrate Judge